

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

RICHARD KITCHENS, JR.	§	
	§	
VS.	§	CIVIL ACTION NO. 1:16-CV-00347
	§	
JESSE E. WILEY AND CLEAN HARBORS	§	JURY
ENVIRONMENTAL SERVICES, INC.	§	

NOTICE OF REMOVAL

TO THE HONORABLE COURT:

Defendants, Clean Harbors Environmental Services, Inc. ("CHES") hereby removes this action from the 163rd Judicial District Court of Orange County, Texas located at 801 West Division Avenue, Orange, Texas 77630 to this Honorable Court pursuant to 28 U.S.C. § 1441 and 1447 and, as grounds for removal, state as follows:

INTRODUCTION AND AMOUNT IN CONTROVERSY

1. On June 30, 2016, Plaintiff Richard Kitchens, Jr. filed his Original Petition in the 163rd Judicial District Court of Orange County, Texas, seeking monetary relief in the amount over \$200,000 but not more than \$1,000,000 from CHES and Jesse Wiley based on an alleged motor vehicle accident in Orange, Orange County, Texas. The amount in controversy exceeds \$75,000.00 as is required for removal to Federal Court.

PAPERS FROM REMOVED ACTION

2. As required by 28 U.S.C. § 1446(a), and as limited by Local Rule LR81, copies of all process, pleadings, orders, docket sheet, and other papers for this case on file in the 163rd Judicial District Court of Orange County, Texas are attached collectively as Exhibit A.

TIMELINESS OF REMOVAL

3. In accordance with 28 U.S.C. § 1446(b), this Notice of Removal has been filed within thirty (30) days after receipt by CHES of the initial pleading setting forth the claim for relief upon which the action is based.

VENUE

4. Venue of this removal is proper under 28 U.S.C. § 1441(a) because this Court is the United States District Court for the district and division corresponding to the place where the state court action was pending.

DIVERSITY OF CITIZENSHIP

5. This Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332, because Defendants CHES and Wiley are citizens of different states than the Plaintiff and each other.

6. CHES is a corporate citizen of the state of Massachusetts where it is incorporated and has its principal place of business in Norwell, Massachusetts. Defendant Jesse Wiley is a citizen of the state of Louisiana.

7. Plaintiff is a citizen of the state of Texas.

NOTICE OF FILING NOTICE OF REMOVAL

8. In accordance with 28 U.S.C. § 1446(d), Defendants have filed a copy of this Notice with the Clerk of the District Court for the 163rd Judicial District Court of Orange County, Texas to effect this removal.

WHEREFORE, Defendants hereby remove this action to this Court for all future proceedings and trial.

Respectfully submitted,

**WILSON ELSEER MOSKOWITZ EDELMAN &
DICKER LLP**

/s/ Kent M. Adams

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**ATTORNEYS FOR DEFENDANT,
CLEAN HARBORS ENVIRONMENTAL SERVICES,
INC.**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing document has been served pursuant to the Federal Rules of Civil Procedure on the following by electronic filing on this 22nd day of August, 2016.

Eric D. Nielsen
THE NIELSEN LAW FIRM, P.C.
9800 Northwest Freeway, Suite 314
Houston, Texas 77006

/s/ Kent M. Adams

KENT M. ADAMS